

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

EREVIC, LLC,  
  
Plaintiff,

vs.

ARCH SPECIALTY INSURANCE  
COMPANY,  
  
Defendant.

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CIVIL ACTION NO. 6:19-cv-00091

**DEFENDANT ARCH SPECIALTY INSURANCE COMPANY'S  
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441, Defendant Arch Specialty Insurance Company hereby removes the action styled and numbered 19-09-84932-D currently pending in the 377th Judicial District Court, Victoria County, Texas to the United States District Court for the Southern District of Texas, Victoria Division. For the reasons set forth below, removal of the state court action is proper under 28 U.S.C. §§ 1332, 1441, and 1446.

**I.  
INTRODUCTION**

1. Plaintiff Erevic, LLC ("Plaintiff") commenced this lawsuit on September 4, 2019, by filing Plaintiff's Original Petition ("Original Petition") in the 377th Judicial District Court of Victoria County, Texas.

2. Plaintiff's Original Petition names Arch Specialty Insurance Company ("Arch") as the sole Defendant.

3. Arch first received the Original Petition through hand delivered service on September 16, 2019.

4. Therefore, this Notice is timely because Arch files this Notice within the 30-day time period pursuant to 28 U.S.C. § 1446(b).

## **II. BASIS FOR REMOVAL**

5. Venue is proper in this District under 28 U.S.C. § 1441(a) because the state court where the action is pending is located in this District.

6. Removal is proper under 28 U.S.C. § 1332(a) if there is complete diversity between the parties and the amount in controversy exceeds \$75,000, exclusive of interest, costs and attorneys' fees. These two conditions are satisfied in this matter.

### **A. Removal is Proper Because Complete Diversity of Citizenship Exists Between Plaintiff and Defendant.**

7. Plaintiff was, at the time this lawsuit was filed, and at the date of this Notice remains, is a Texas Limited Liability Company and is a citizen of Texas for purposes of diversity of citizenship.<sup>1</sup>

8. Arch was, at the time this lawsuit was filed, and at the date of this Notice remains, a foreign corporation organized under the laws of the State of Missouri, with its principal place of business in New Jersey. Thus, Arch is a citizen of the States of Missouri and New Jersey.

9. Because Plaintiff is a citizen of Texas and Defendant is a resident of Missouri and New Jersey, complete diversity exists between Plaintiff and Defendant (now and on the date Plaintiff filed this lawsuit).

### **B. Removal is Proper Because Plaintiff's Claimed Damages Exceed This Court's Jurisdictional Threshold of \$75,000.**

10. Here, Plaintiff's Original Petition states that it is seeking monetary relief in excess

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<sup>1</sup> See Plaintiff's Original Petition, attached as Exhibit B at, p. 2, ¶ I.

of \$1,000,000.00.<sup>2</sup> It is thus facially apparent that Plaintiff's claims, exclusive of interest, costs, and attorneys' fees, exceed this Court's jurisdictional threshold of \$75,000.<sup>3</sup>

**III.**  
**COMPLIANCE WITH 28 U.S.C. §1446**

11. In accordance with 28 U.S.C. § 1446(a) and Local Rule 81.1, Arch files this Notice of Removal accompanied by the following exhibits:

- All executed process in this case, attached as Exhibit A;
- All pleadings asserting causes of action and answers to such pleadings, attached as Exhibit B;
- State Court Docket Sheet, attached as Exhibit C;
- An index of matters being filed, attached as Exhibit D; and
- List of all counsel of record, attached as Exhibit E

**IV.**  
**JURY DEMAND**

12. Plaintiff demanded a jury trial in the state court action.

**V.**  
**CONCLUSION**

13. Because there is complete diversity between the parties, and the amount in controversy exceeds \$75,000, removal of this action is proper under 28 U.S.C. § 1332(a).

14. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice will be given to all adverse parties promptly after the filing of this Notice, and Arch will promptly file a copy of this Notice with the clerk of the state court where the action is pending.

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<sup>2</sup> See Plaintiff's Original Petition, Exhibit B at p. 2, ¶ 4.

<sup>3</sup> *Allen v. R&H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1999).

WHEREFORE, Defendant Arch Specialty Insurance Company hereby provides notice that that this action is duly removed from the 377th Judicial District Court, Victoria County, Texas to the United States District Court for the Southern District of Texas, Victoria Division and requests that this Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,

By: /s/ Kristin C. Cummings  
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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing has been served this 15th day of October, 2019, in accordance with the Federal Rules of Civil Procedure, by electronic filing as follows:

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